

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**FILED**

Apr 29 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

**CRIMINAL COVER SHEET**

***Instructions:*** Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

**CASE NAME:**

USA v. Ernesto Madrigal

**CASE NUMBER: CR 21-0182 JD****CR****Is This Case Under Seal?**Yes ☒ No**Total Number of Defendants:**1 ☒ 2-7 8 or more**Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?**Yes No ☒**Venue (Per Crim. L.R. 18-1):**SF ☒ OAK SJ**Is this a potential high-cost case?**Yes No ☒**Is any defendant charged with a death-penalty-eligible crime?**Yes No ☒**Is this a RICO Act gang case?**Yes No ☒**Assigned AUSA****(Lead Attorney):** Ross Weingarten**Date Submitted:** 4/29/2021**Comments:**

RESET FORM

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# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

**FILED**

Apr 29 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

CR 21-0182 JD

ERNESTO MADRIGAL

DEFENDANT(S).

## INDICTMENT

VIOLATIONS:

21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C) – Conspiracy to Distribute and Possess with Intent to Distribute Narcotics,  
to wit, Methamphetamine

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 29th day of

April 2021.

Ada Means  
Clerk

Bail, \$ no bail

Hon. Jacqueline Scott Corley

STEPHANIE M. HINDS (CABN 154284)  
Acting United States Attorney

**FILED**

Apr 29 2021

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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR 21-0182 JD
Plaintiff,	)	
v.	)	<u>VIOLATIONS:</u>
ERNESTO MADRIGAL,	)	21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(C) –
Defendant.	)	Conspiracy to Distribute and Possess with Intent to
	)	Distribute Methamphetamine;
	)	21 U.S.C. § 853 – Forfeiture Allegation
	)	
	)	

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

1. Defendant Ernesto Madrigal lived in Alameda County in the Northern District of California. As alleged below, the defendant conspired with others to sell methamphetamine in Alameda County.

2. Methamphetamine is a Schedule I controlled substance.

COUNT ONE: (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C) – Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine)

3. The allegations contained above are hereby re-alleged and incorporated by reference.

4. On or about March 6, 2020, in the Northern District of California, the defendant,

INDICTMENT

1 ERNESTO MADRIGAL,

2 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to distribute  
3 and possess with intent to distribute a mixture and substance containing a detectable amount of  
4 methamphetamine, its salts, isomers, and salts of its isomers, a Schedule I controlled substance, in  
5 violation of Title 21, United States Code, Sections 846, 841(a)(1), and (b)(1)(C).

6 Manner and Means of the Conspiracy

7 5. MADRIGAL used the following manner and means, among others, to accomplish the  
8 objects of the conspiracy.

9 6. In early March 2020, MADRIGAL offered to sell one pound of methamphetamine in  
10 exchange for \$1,250 in U.S. currency to an individual he believed to be a drug customer but who was, in  
11 fact, a confidential informant working with law enforcement (hereinafter referred to as “the Confidential  
12 Informant”). MADRIGAL also offered to “front” 10 pounds of methamphetamine to the Confidential  
13 Informant, meaning that MADRIGAL would provide that individual with 10 pounds of  
14 methamphetamine to sell, and then the individual would return a portion of the proceeds to  
15 MADRIGAL at a later date. MADRIGAL also asked the Confidential Informant if he was interested in  
16 purchasing counterfeit pills.

17 7. MADRIGAL and the Confidential Informant agreed that MADRIGAL would sell one  
18 pound of methamphetamine to the Confidential Informant on March 6, 2020. On or about March 5,  
19 2020, the defendant sent a text message to the Confidential Informant with a phone number for an  
20 individual named “Beto,” who the defendant said would be delivering the methamphetamine on his  
21 behalf.

22 8. On March 6, 2020, the Confidential Informant and another individual posing as a drug  
23 customer who was, in fact, an undercover law enforcement officer (hereinafter referred to as the  
24 “Undercover Agent”), met with “Beto” at a prearranged location in Emeryville, California, which is in  
25 the Northern District of California. Prior to the meeting, MADRIGAL told the Confidential Informant  
26 over the phone that “Beto” would be arriving in a grey sedan, that he would have five pounds of  
27 methamphetamine packed together, and that “Beto” would separate out one pound of methamphetamine  
28 for the sale.

9. At approximately 6:41 p.m., “Beto” arrived at the meeting location in a grey Chrysler sedan. The Undercover Agent entered “Beto’s” vehicle. The Undercover Agent noticed that “Beto” was on a phone call with someone, and the person on the call was audible through speakers in the car. Law enforcement believes that the person on the phone, who was listed in “Beto’s” phone as “Tiger,” was MADRIGAL.

10. “Beto” showed the Undercover Agent a ziplock plastic bag that appeared to have approximately five pounds of methamphetamine inside. MADRIGAL, “Beto,” and the Undercover Agent then discussed the quality of the methamphetamine, specifically that it appeared to be powdery rather than in shards. MADRIGAL informed the Undercover Agent that the methamphetamine was of poor quality and that is why the price was cheap.

11. The Undercover Agent then handed “Beto” \$1,250 in U.S. currency, and “Beto” separated out a portion of methamphetamine from the ziplock bag and gave it to the Undercover Agent. The Undercover Agent then exited “Beto’s” vehicle.

12. DEA laboratory testing confirmed that the methamphetamine delivered by “Beto” on behalf of MADRIGAL to the undercover agent weighed 1,352.1 grams, with a purity of 28%, for a total of 353 grams of pure methamphetamine.

FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

The allegations contained above are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

Upon conviction of any of the offense alleged in Count One above, the defendant,

ERNESTO MADRIGAL,

shall forfeit to the United States all right, title, and interest in any property constituting and derived from any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including but not limited to a forfeiture money judgment and the following:

- a. Approximately 1,352.1 grams of a mixture and substance containing methamphetamine;
- b. 250 counterfeit “M30” pills laced with fentanyl;

b. \$4,250 in U.S. currency.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal Procedure 32.2.

DATED: April 29, 2021

A TRUE BILL.

/s/  
\_\_\_\_\_  
FOREPERSON  
SAN FRANCISCO

STEPHANIE M. HINDS  
Acting United States Attorney

/s/  
\_\_\_\_\_  
ROSS WEINGARTEN  
Assistant United States Attorney

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C) - Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit, Methamphetamine

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: Maximum term of imprisonment: 20 years; Maximum fine: \$1 million; Maximum term of supervised release: life; Minimum term of supervised release: 3 years; Mandatory \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**DEFENDANT - U.S.**

Ernesto Madrigal

DISTRICT COURT NUMBER

CR 21-0182 JD

**FILED**

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 SUSAN Y. SOONG  
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 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO
**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:  
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person  
 Furnishing Information on this form Stephanie M. Hinds
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.  
 Attorney (if assigned) Ross Weingarten
**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

NDCA

**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: